

### **REMARKS/ARGUMENTS**

Please reconsider the application in view of the following remarks. Claims 21-40 remain in this application. No amendments are introduced in this Response.

The Applicants acknowledge with appreciation the Examiner's allowance of claims 34-38 and the Examiner's indication that claims 25-33 would be allowable if rewritten to include the limitation of the base claim from which they depend.

#### **Rejection(s) under 35 U.S.C § 102**

Claims 21-24 and 39-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,154,741 ("da Costa Filho"). This rejection is respectfully traversed because the Examiner has failed to present a *prima facie* case of anticipation.

Each of these rejected claims ultimately depends from either claim 21 or claim 39. Claim 21 recites the following:

"(b) a rigid riser assembly extending substantially vertically from the top portion of said fluid separator to a location near the surface of said body of water;

(c) a gas outlet located in the upper portion of said fluid separator and fluidly connected to said riser assembly."

Claim 13 similarly recites:

“(b) passing said separated gas upwardly to near the surface of said body of water through a substantially vertical rigid, riser pipe fluidly connected to the top portion of said fluid separator.”

(Emphasis added in both.)

Thus, claims 21 and 39 both require a substantially vertical rigid, riser pipe/assembly fluidly connected to a top portion of a fluid separator. da Costa Filho simply fails to teach this limitation of the claims.

The Examiner references FIG. 1 of da Costa Filho as satisfying the Applicants' claimed vertical riser/top-of-separator connection. The Applicants submit that the Examiner has ignored or discounted the claimed requirement that a substantially vertical, rigid riser pipe/assembly is fluidly connected to a top portion of a fluid separator. This feature of the claimed invention provides the advantage, e.g., of improved accessibility for maintenance and repair. Reference is made to first paragraph (last sentence) on page 10 of the Applicants' specification, which describes a particular embodiment according to the claimed invention:

“Placing the essentially vertical riser on top of the nominally vertical tubular separator allows direct maintenance and repair access to the separator using wire line tools or other reliable well maintenance and repair tools well known in the art.”

Rather than disclosing a substantially vertical rigid, riser pipe/assembly fluidly connected to a top portion of a fluid separator, as is claimed, da Costa Filho instead discloses a gas cooler 58 that is fluidly connected to a top portion of a vertical

separator 56. The gas cooler 58 is connected to a vertical scrubber 60 that is connected, in turn, to a flexible gas pipeline 78. Thus, the gas pipeline 78 disclosed by da Costa Filho does not constitute a "rigid riser" nor is it even connected to the vertical separator 56 thereof. Furthermore, the gas pipeline 78 includes a substantial horizontal length between its vertically-extending portion and the scrubber 60 (see FIGS. 1-2).

Nor does the flexible oil pipeline 82 of da Costa Filho constitute a rigid riser; even if it did, the oil pipeline 82 is not connected to the vertical separator 56. Instead, the oil pipeline is connected to a centrifugal pump 64 that is fluidly connected to bottom portions of the vertical separator 56 and scrubber 60. Furthermore, the oil pipeline 82 includes a substantial horizontal length between its vertically-extending portion and the pump 64 (see FIGS. 1-2).

Thus, da Costa Filho fails to teach the noted limitation of the claims. For this reason, the system of da Costa Filho is incapable of providing the utilities afforded by the claimed invention, including the above-note direct access to the separator for maintenance and repair.

Accordingly, since da Costa Filho fails to disclose at least one of the claimed limitations, da Costa Filho fails to anticipate claims 21 and 39. da Costa Filho similarly fails to anticipate claims 22-24 and 40 that depend from claims 21 and 39.

In view of the above, the Applicants submit that the cited art fails to anticipate the claimed invention. The Applicants therefore request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

## **Conclusion**

Applicants believe this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner remains unpersuaded, or if other issues arise, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

## **Petition for Revival Under 37 CFR 1.137(b)**

This paper is submitted in response to the Office Action dated October 6, 2005, for which the three-month date for response was January 6, 2006, and the six-month date for response was April 6, 2006. A Petition for Revival under 37 CFR 1.137(b) is submitted herewith, including a statement that the entire delay was unintentional. Please apply any charges not covered or any credits, to Deposit Account 03-1620, referencing Attorney Docket Number 022002-03

Respectfully submitted,



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